

Board of Mayor and Aldermen  
Regular Meeting, Nolensville Elementary School  
Thursday, November 3, 2005, 7:00 p.m.

Mayor Charles Knapper opened the meeting at 7:00 p.m. Members present were Mayor Knapper, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Larry Felts. Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 41 citizens present.

Mr. Willis Wells led the prayer and pledge.

Mayor Knapper announced that item numbers 10, 11, 12 and 20 on the agenda were being deferred. These items reflect the following:

10. Public hearing ordinance #05-25, an ordinance to annex certain territory east of current corporate boundaries adjacent to Rocky Fork Road and including parcels running north to Kidd Road and adjacent properties, and to incorporate same within the corporate boundaries of the town of Nolensville, Tennessee
11. Public hearing of Plan of Service, Resolution #05-14, a resolution adopting a plan of service for parcels of land lying easterly of the corporate limits
12. Reading of resolution #05-14, a resolution adopting a plan of service for parcels of land lying easterly of the corporate limits
20. First reading of Ordinance #05-31, an ordinance to annex certain territory east of the current corporate boundaries lying between Kidd Road and the Williamson and Davidson County Boundaries

Mayor Knapper then asked if there were any citizens that had comments.

Mr. Corkie Demetrium, with Cates-Kottas Development, stated that he is opposed to the sprinkler ordinance. He noted that this development was approved through the county. He further stated that the Plan of Service stated that the town could provide services. If you could not provide services then the town should not have annexed. He further stated that if this ordinance is passed, they will file a lawsuit against the Town of Nolensville.

Counsel Notestine stated that he was aware of these comments and he has spoken to Mr. Cates. Mayor Knapper stated that the fire department has an ISO rating of 5 and this will enhance that rating.

Mr. Butch Clark, stated that he would like to see an ordinance to prohibit street parking. He noted that he was previously a board member of the McFarlin Woods Homeowners Association and this was one of the biggest complaints from homeowners.

Mr. Alton Marlow, Rocky Fork Road, noted that he read about the annexation in the newspaper and asked what the town's intentions were. Mayor Knapper said that the county currently has jurisdiction of that area on Rocky Fork Road.

Mr. Aubrey Short, noted that in regards to Ordinance #05-26, he agreed with Mr. Clark. He further stated that in regards to the gentleman that threatened Nolensville; if he pulls a permit in Nolensville then he must abide by Nolensville's ordinances. Mr. Short urged the board to back these ordinances. He noted that the Mayor had worked hard.

Mr. Ted Behar, Sam Donald Road, stated that he agreed with Mr. Short in regards to streets. He noted that the town has the responsibility to either not allow parking or allow larger roads. We should be at the cutting edge of safety.

Mr. Matt Happel, Sam Donald Road, noted that there is roadway on King Street that is in need of repair. He stated that anything from Bent Creek to Nolensville Road should be reviewed in regards to repair.

There was no further citizen input.

Alderman Dugger made a motion to approve the minutes from October 6, Alderman Curtsinger seconded. Counsel Notestine stated that on page 5 it should not read “by resolution”. Alderman Alexander stated that the vote taken for second reading of ordinance #05-21 was Knapper, Dugger, and Alexander for and Curtsinger and Felts against. Alderman Curtsinger stated that there should be an addition in regards to the statement made by Counsel in regards to ordinance #05-26, “Counsel Notestine stated that due to municipalities having tort liability we are immune to some lawsuits.” Alderman Curtsinger noted that Counsel Notestine additionally stated, “If the problem is identified it must be addressed.” Alderman Curtsinger noted that this statement was very important. Alderman Alexander stated that it would be helpful to have the pages numbered for the minutes. Alderman Felts made a motion to approve with the aforementioned changes, Alderman Alexander seconded and with the changes the minutes were passed unanimously.

Recorder Lancaster noted that general fund cash on hand \$921,277.73 with cash disbursements of \$115,000. She noted State Street Aid Cash on hand being \$66,081.02, with total cash on hand being \$987,358.75. Alderman Felts made a motion to approve the treasurer’s report, Alderman Alexander seconded and this passed unanimously.

Mr. Willis Wells Planning Commission Member reported the following:

- Noted the written minutes were before the board and if they had any questions he would address those.

Betty Friedlander reported for the Historic Commission:

- Noted a public meeting would be held on November 17<sup>th</sup>.

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Over 300 children participated in Fire Prevention Week.
- Re-certifications are being obtained by various members.
- Received a shipment from Homeland Security.
- Chief Hughes requested a ban be placed on burning due to the dryness.

Rich Woodroof reported for the Codes Department.

- Repairs have began in 13 C Stonebrook.
- McFarlin Woods repair is almost complete.
- Henry Laird attended an Impact on Development Seminar.
- 208 Inspections were completed.

Chief Paul Rigsby reported for the Police Department.

- Stated a written report was submitted.
- Hiring of officers is complete. Unofficially introduced Bryan Howell.
- Vandalism continues to be a problem.
- Police received some equipment from Homeland Security (same as Fire Department).
- Mayor Knapper noted that he would like to send magnets to advertise the phone number of dispatch 776-3640.
- Mayor Knapper praised Chief Rigsby's hard work and dedication.

Mayor Knapper reported for the Public Works

- Stated a written report was submitted.

Mayor Knapper's report:

Other:

Mayor Knapper noted that if someone burns they can be cited under the "nuisance" ordinance.

Mayor Knapper noted the board had received a copy of a letter that was sent to Fred Schwartz with MPO. He noted that the town will be on the November or December agenda.

Mayor Knapper noted that in the minutes from last month Alderman Curtsinger had requested a five-year plan in regards to roads in the proposed annexed area. Mayor Knapper stated that this has been completed.

Alderman Dugger asked if the town had a long range plan of paving roads. He asked for a ten to fifteen year assessment. Mayor Knapper noted that the Town Engineer and he go out annually to review roads, although a long-range plan has not been performed. This will be initiated.

Mayor Knapper stated that consent agenda's were discussed last month and an example of a consent agenda was placed in their box at town hall.

Public hearing for ordinance #05-24, an ordinance to amend the zoning ordinance #04-09 to revise site plan review requirements was opened at 7:35. Mr. Laird stated that this basically allows staff to approve any alterations in regards to parking or landscaping on site plan review. There was no public comment. The public hearing closed at 7:36.

Second reading of ordinance #05-22, an ordinance to amend the zoning map and text of the ordinance #04-09 to create an annexation buffer overlay. Counsel Notestine stated that this is second reading and is for the newly annexed area. He stated that this would comply with the interlocal agreement that was entered into with Brentwood. Alderman Curtsinger asked if the word "minimum" was correct. It was noted this is the language that is in the interlocal agreement. Alderman Dugger made a motion to approve this ordinance, Alderman Felts seconded and this passed unanimously.

First reading of ordinance #05-23, an ordinance to amend the zoning ordinance #04-09 in regards to revise standards for open space for Planned Unit Developments. Counsel

Notestine stated that this revises areas in regards to what is allowed in a Planned Unit Development. Mr. Laird stated that previously it was not clear and now there is about twelve criteria. The purpose is to preserve natural resources on the site. Mayor Knapper made a motion to approve this ordinance, Alderman Curtsinger seconded and this passed on first reading unanimously.

Second reading of ordinance #05-26, an ordinance to amend the Nolensville Municipal Code in regards to roads. Alderman Curtsinger made a motion to approve this ordinance, Alderman Alexander seconded. Alderman Curtsinger stated that there has been numerous instances in regards to emergency vehicles not being able to get to locations due to cars being parked on the side of the road. Counsel Notestine stated that it was noted earlier that the problem was “parking” was not defined correctly. Alderman Dugger stated that he would like this deferred and have a workshop. Alderman Alexander stated that he suggested last month to have a workshop on this issue. Alderman Felts stated that he agreed a workshop should be held to discuss this further. Mayor Knapper agreed with a workshop. Alderman Dugger asked if this could go into the requirements when a development is before the Board of Mayor and Alderman. Mayor Knapper stated that it could be a part of the subdivision regulations. Alderman Curtsinger stated that his needs to move forward. He stated that there needs to be a solution prior to next month. Alderman Curtsinger made a motion to defer until next month, Alderman Dugger seconded and this passed unanimously.

Second reading of ordinance #05-27, an ordinance to make certain amendments to ordinance #04-02, requiring automatic fire sprinkler systems. Alderman Curtsinger made a motion to approve this ordinance, Alderman Alexander seconded. Alderman Curtsinger stated that this ordinance basically removes the “opt-out” clause. He noted that the town Life Safety Charter says we need to abide by the Fire Chief’s recommendation and this is his recommendation. Alderman Dugger stated that the town is compliant with the 2003 NFPA. Mayor Knapper stated that he wants to read the “Appendix L”. He noted that he has not seen this appendix and does not want to vote on something he has not reviewed. Alderman Curtsinger reiterated that the ordinance states that we must abide by the Fire Chief’s recommendation and this is the Chief’s recommendation. Fire Chief Hughes stated that the town adopted Life Safety Code 101. This states that you will adopt the latest edition. This adoption has not been done. Mayor Knapper made a motion to defer this reading for one month, Alderman Dugger seconded.

Counsel Notestine stated that if the town adopts a code it has to be in ordinance form. Also, it must be in the recorder’s office at least 15 days prior to adoption.

Alderman Curtsinger stated that the teeth of this ordinance is to remove the opt-out clause. Alderman Felts stated that he was a co-sponsor of this ordinance and he felt holding off one month would be o.k. Counsel Notestine stated that for compliance it should be filed in the Records office.

There was extensive debate on deferring this ordinance with Alderman Curtsinger adamantly opposed to waiting one month.

Mayor Knapper called for the vote for deferral for one month, Mayor Knapper, and Aldermen Alexander, Dugger and Felts for deferring, Alderman Curtsinger against.

First reading of ordinance #05-28, an ordinance to amend the zoning ordinance #04-09, to create a Commercial Retail (CR) zone. Counsel Notestine stated that as the town grows there

may be a need for larger retail. This ordinance addresses this type of retail. Mr. Laird described this ordinance going over various aspects in detail. Alderman Alexander stated that he felt this ordinance would work well. Mayor Knapper stated that he had spoken with developers and they are excited about this zoning. Alderman Curtsinger made a motion to approve this ordinance, Alderman Felts seconded and this passed unanimously.

First reading of ordinance #05-29, an ordinance to approve a concept plan for a Planned Unit Development overlay known as Britain Downs. Counsel Notestine stated that this is first reading and will require a public hearing with another reading prior to approval.

Mr. Laird stated that this was discussed at a workshop and several points were brought out.

1. Developer must construct the main entry roads off of Sunset Road and Britain Lane to a pavement width of 26 feet. **An additional access easement** outside the 50 foot right-of-way will be required to cover the required sidewalk pavement. All other street cross-sections will have a 24 feet of pavement recommended by the staff at its October 13<sup>th</sup>, 2005 Planning Commission meeting.
2. Developer must provide for the perpetual maintenance responsibility of the cemetery in the project by the homeowners' association.
3. Developer must agree to setback garage facings 30' from r-o-w.
4. Developer must recess garage facings 3' from the front building plane.
5. Developer agrees to provide side or rear-load garages on at least 10% of building lots and to specify these lots.

Alderman Alexander made a motion to approve this ordinance, Mayor Knapper seconded.

Alderman Dugger asked that if there would be sidewalks on one side or continuous around a cul-de-sac? It was noted that sidewalks would be on one side only due to this being in the Sub-division Regulations.

Alderman Curtsinger stated that this book (referring to a Britain Downs plan booklet) was just received this afternoon. He further noted that to quote the Mayor, to defer one month to avoid any mistakes, would not matter.

Alderman Alexander stated that this project has been in the works for over three years. They have met with staff on several occasions and their application was submitted in a timely fashion. He further stated that this is a good project with homes ranging from \$400,000 to \$700,000. He stated that there will be ample time with the public hearing and second reading to have questions answered. Mayor Knapper stated that the difference is this is first reading.

Alderman Curtsinger stated that for the record the board has not been properly briefed and another 30 days would not be detrimental to this project.

Mayor Knapper stated that there was a workshop on this development and it went before the Planning Commission.

Alderman Curtsinger noted that everything within the book was not discussed at those meetings.

Alderman Dugger noted that the maximum open space is 30% and he has a concern with

using open space as a detention pond. He further stated he agreed with Alderman Alexander.

Engineer Woodroof stated that in the ordinance it states that the detention pond can be used as open space.

Mr. Mike Anderson, with Alderson, Delk and Associates, Engineering firm on Britain Downs, stated that staff asked that there be screen with landscape around the detention pond. We have worked with staff on this. He stated that the maintenance of this will be performed by the Homeowners Association. He stated that in regards to the 30% open space – it is above and beyond that. Alderman Dugger asked for the calculations of the open space.

Alderman Alexander noted that in regards to the side-walk issue, it is normal procedure to stop half-way around a cul-de-sac.

Alderman Felts noted that he had not received the book until today also. Alderman Dugger stated that he did not know if 10% rear loaded garages is enough. Alderman Alexander stated that this was discussed and the minimum size of a home is 3,000 square feet. Given the size of these homes most Commissioners were accepting of this.

Alderman Curtsinger stated that we spent night after night coming up with criteria and we are going to throw it all away. He stated that he rode through the county and they do not have 140 front end loaded garages. Even with Mr. Moon's development he repeatedly goes to the Planning Commission. Mr. Yazdan comes in one time and gets approved. Who is pushing this through? Nolen Park went through critique after critique. Alderman Curtsinger stated that he listened to the minutes and the Mayor stated that we've got to move this through.

Mayor Knapper asked if this hadn't been brought up before? Mr. Larry Gardner and Mr. Bob Haines, Planning Commission Members stated that last month at the Planning Commission and workshop was the first time before the Commission.

Alderman Dugger made a motion to add Mr. Laird's written 5 additions and have sidewalks around the cul-de-sac. Alderman Alexander seconded. Alderman Alexander asked for clarity and noted that the alternate condition on number one was the preferred condition. The vote was then taken on the amendment. Mayor Knapper, Aldermen Alexander, Dugger and Felts for and Alderman Curtsinger against. The vote was then taken on the first reading of ordinance #05-29, as amended. Mayor Knapper, Aldermen Alexander, Dugger and Felts for and Alderman Curtsinger against.

First reading of ordinance 05-30, an ordinance to amend the zoning map to rezone property currently Suburban Residential (SR) to Commercial Services (CS) at 7149 Nolensville Road. Alderman Alexander asked if this would conform with the new land use plan. Town Planner Laird stated that it would. Alderman Curtsinger asked if someone were to purchase this house and turn it into commercial would they be able to cut and fill in the flood plain? Engineer Woodroof stated that prior to 1981 they can cut and fill, but they have to show that they will not affect other properties. Alderman Dugger asked if they would have to pave the parking lot? Engineer Woodroof stated that the town could require some things for a changed use.

Alderman Alexander made a motion to approve this ordinance, Alderman Felts seconded and this passed unanimously.

Mayor Knapper adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Charles F. Knapper  
Mayor